

**SUPREME COURT MINUTES
THURSDAY, MARCH 22, 2007
SAN FRANCISCO, CALIFORNIA**

S050455

**PEOPLE v. BEAMES (JOHN
MICHAEL)**

Opinion filed: Judgment affirmed in full.

Opinion by: Baxter, J.

-----joined by: George, C. J., Kennard, Werdegarr, Chin, Moreno, and Corrigan, JJ.

S149352 A108528 First Appellate District, Div. 4
PAUL)

PEOPLE v. JORDAN (RANDI

The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149537 B186399 Second Appellate District, Div. 4

**GULICK (VIVIANE E.) v.
CALIFORNIA INSURANCE
GUARANTEE ASSOCIATION**

The time for granting or denying review in the above-entitled matter is hereby extended to May 7, 2007.

S149669 H030982 Sixth Appellate District

**GRAFFAGNINO (SALVATORE)
ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 2, 2007.

S149742 A113182 First Appellate District, Div. 5

**PEOPLE v. ZUNIGA (GERARDO
ROSALES)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 7, 2007.

S149752 C047617 Third Appellate District

**ROBY (CHARLENE J.) v.
MCKESSON HBOC**

The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S149762 F048665 Fifth Appellate District

**BAKERSFIELD ELEMENTARY
TEACHERS ASSOCIATION v.
BAKERSFIELD CITY SCHOOL
DISTRICT**

The time for granting or denying review in the above-entitled matter is hereby extended to April 27, 2007.

S149779 A110037 First Appellate District, Div. 4

PEOPLE v. HANEY (MONTE)

The time for granting or denying review in the above-entitled matter is hereby extended to April 27, 2007.

S149827 E038158 Fourth Appellate District, Div. 2

**PEOPLE v. ROSS (RODNEY
LEWIS)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149840 B191815 Second Appellate District, Div. 6

**LEVINE (CAROL ANN) v. SMITH
(LAWRENCE G.)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 20, 2007.

S149842 F048189/F048190 Fifth Appellate District

**PEOPLE v. BERRY (RICKEY
EDWARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149843 E039208 Fourth Appellate District, Div. 2

**PEOPLE v. SEGADE (JOSEPH
CHRISTOPHER)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149857 H029334 Sixth Appellate District **PEOPLE v. BELONEY (EDWIN)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 4,
2007.

S149860 H029353 Sixth Appellate District **PEOPLE v. DARBEY (AVERY)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 4,
2007.

S149866 B191701 Second Appellate District, Div. 2 **CARRILLO (PEDRO ZUMUDIO)**
v. S.C. (PEOPLE)
The time for granting or denying review in the above-entitled matter is hereby extended to April 27, 2007.

S149890 G034189 Fourth Appellate District, Div. 3 **PEOPLE v. GALLAND (ANTHONY ANDREW)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 1, 2007.

S149906 E038051 Fourth Appellate District, Div. 2 **PEOPLE v. WRIGHT (SEDRICK DEWAYNE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 1, 2007.

S149916 D046547 Fourth Appellate District, Div. 1 **PEOPLE v. OTIS (RICKY RANDALL)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 7, 2007.

S149921 E037984 Fourth Appellate District, Div. 2 **PEOPLE v. TAYLOR (TYWON LAVELL)**

The time for granting or denying review in the above-entitled matter is hereby extended to April 27, 2007.

S149928 H029370 Sixth Appellate District **PEOPLE v. VALENCIA (JESUS)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 2, 2007.

S149931 H030530 Sixth Appellate District **VALENCIA (JESUS) ON H.C.**
The time for granting or denying review in the above-entitled matter is hereby extended to May 2, 2007.

S149967 B186647 Second Appellate District, Div. 2 **PEOPLE v. TOWNSEND (CEDIL)**
The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149977 B187599 Second Appellate District, Div. 7 **PEOPLE v. BROWN (ARTICE L.)**
The time for granting or denying review in the above-entitled matter is hereby extended to April 30, 2007.

S149988 E037627 Fourth Appellate District, Div. 2 **STATE OF CALIFORNIA v.
UNDERWRITERS AT LLOYD'S
LONDON**
The time for granting or denying review in the above-entitled matter is hereby extended to May 3, 2007.

S150000 B181412 Second Appellate District, Div. 8 **PEOPLE v. WOODS (STEVEN)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150002 F051990 Fifth Appellate District **BROWN & BROWN OF
CALIFORNIA, INC., DBA
LANCER CLAIMS SERVICES v.
S.C. (URWYLER)**
The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150006 B193260 Second Appellate District, Div. 4 **WORLINE (CHRISTOPHER) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150007 B185612 Second Appellate District, Div. 6 **PEOPLE v. ROMO (JOSE BENIGNO)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2007.

S150008 G035436 Fourth Appellate District, Div. 3 **PEOPLE v. BAUTISTA (JASON VICTOR)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150016 C054606 Third Appellate District **TAPLETT (ALICIA) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 4, 2007.

S150039 B182814 Second Appellate District, Div. 8 **PEREZ (CRISTIN) v. ROE (RICHARD)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 7, 2007.

S150069 E038781/E040919 Fourth Appellate District, Div. 2 **PEOPLE v. THOMPSON (MILTON TRUMALE)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 8, 2007.

S150102 B195145 Second Appellate District, Div. 4 **OLIVA (DAVID P.) ON H.C.**

The time for granting or denying review in the above-entitled matter is hereby extended to May 9, 2007.

S150110 C049205 Third Appellate District

PEOPLE v. GARCIA (ANDREW PATRICK)

The time for granting or denying review in the above-entitled matter is hereby extended to May 9, 2007.

S150132 C054712 Third Appellate District

PAYNE (GERALD J.) ON H.C.

The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2007.

S150139 C054634 Third Appellate District

SINGLER (RONALD) ON H.C.

The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2007.

S150196 G036156/G036502 Fourth Appellate District, Div. 3 **FINN (THOMAS) v. GROVES (MARK RAYMOND)**

The time for granting or denying review in the above-entitled matter is hereby extended to May 10, 2007.

S136487

DEMETRULIAS (GREGORY SPIROS) ON H.C.

Extension of time granted to May 2, 2007, to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension is contemplated. Extension is granted based upon Joseph Baxter's representation that he anticipates filing the document by May 2, 2007.

S142546 B178689 Second Appellate District, Div. 4

DOE (JOHN) v. CITY OF LOS ANGELES

Extension of time granted. On application of appellants John Doe and John Doe 2 and good cause appearing, it is ordered that the time to serve and file the answer to the amicus curiae brief of the California Catholic Conference is extended to March 28, 2007.

S147051 C047366 Third Appellate District

PEOPLE v. NELSON (DENNIS LOUIS)

Extension of time granted. On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief on the merits are hereby extended to April 23, 2007. No further extensions of time are contemplated.

S147345 D046435 Fourth Appellate District, Div. 1 **TOBACCO II CASES, IN RE**
Extension of time granted. On application of Attorney General and good cause appearing, it is ordered that the time to serve and file the amicus curiae brief is extended to April 23, 2007.

S054291 **PEOPLE v. LEONARD (ERIC ROYCE)**

Order appointing Habeas Corpus Resource Center filed. Upon request of appellant for appointment of counsel, the Habeas Corpus Resource Center is hereby appointed to represent appellant Eric Royce Leonard for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court. Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of this court's delay in appointing habeas corpus/executive clemency counsel on behalf of appellant Eric Royce Leonard.

S058489 **PEOPLE v. CAREY (DEWAYNE MICHAEL)**

Order appointing Habeas Corpus Resource Center filed. The order appointing Michael G. Millman, as Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for appellant Dewayne Michael Carey, filed April 27, 2005, is hereby vacated. On the court's own motion, the Habeas Corpus Resource Center is hereby appointed to represent appellant Dewayne Michael Carey for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court. Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 36 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of prior habeas corpus/executive clemency counsel Arlene Binder's declaration, in support of her motion to withdraw, to the effect that she was unable to discharge her duty to investigate and, if appropriate, present a habeas corpus petition on behalf of appellant Dewayne Michael Carey.

S148788 G035624 Fourth Appellate District, Div. 3 **PEOPLE v. LUDWICK (EARL RICHARD)**

Counsel appointment order filed upon request of appellant for appointment of counsel, Mark S. Devore is hereby appointed to represent appellant on the appeal now pending in this court.

S148918 E039170 Fourth Appellate District, Div. 2 **PEOPLE v. SMITH (DWAYNE)**
Counsel appointment order filed upon request of appellant for appointment of counsel, Sally P. Brajevich is hereby appointed to represent appellant on the appeal now pending in this court.

S148944 E039298 Fourth Appellate District, Div. 2 **PEOPLE v. ADAME (JOSEPH HERNANDEZ)**
Counsel appointment order filed. Upon request of appellant for appointment of counsel, Steven A. Torres is hereby appointed to represent appellant on the appeal now pending in this court.

S149486 E039509 Fourth Appellate District, Div. 2 **PEOPLE v. CORONA (JAIME)**
Counsel appointment order filed. Upon request of appellant for appointment of counsel, Patrick J. Hennessey, Jr., is hereby appointed to represent appellant on the appeal now pending in this court.

S149566 G035837 Fourth Appellate District, Div. 3 **PEOPLE v. WILSON (RICHARD LEON)**
Counsel appointment order filed. Upon request of appellant for appointment of counsel, Harvey L. Goldhammer is hereby appointed to represent appellant on the appeal now pending in this court.

S117527 **RULE 962 SUSPENSION**

Order filed.

RICHARD CHARLES HARPER, #99758, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that RICHARD CHARLES HARPER, #99758, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after April 20, 2007. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S117527**RULE 962 SUSPENSION**

RONALD L. MILLER, #111817, was listed by the State Department of Social Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to rule 9.22 of the California Rules of Court, IT IS HEREBY ORDERED that RONALD L. MILLER, #111817, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after April 20, 2007. IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local support agency pursuant to Family Code 17520, the State Bar shall certify the of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto; IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

S120980**MONTERROSO (CHRISTIAN)
ON H.C.**

Order filed. Pursuant to petitioner's request filed on March 20, 2007, petitioner's exhibits, nos.139, 197, 215, 260, and 261 are ordered withdrawn.

S126182

F042592 Fifth Appellate District

**PEOPLE v. BLACK (KEVIN
MICHAEL)**

Order filed. The application of appellant, filed March 15, 2007, for permission for leave to file a supplemental brief in excess of the word limit is hereby granted.

S144515

A109322 First Appellate District, Div. 1

C. (LEMANUEL), IN RE

Order filed. The order filed on March 21, 2007, granting permission for two counsel to argue on behalf of appellant at oral argument is amended in its entirety as follows: "The request of counsel for appellant in the above-referenced cause to allow two counsel to argue on behalf of appellant at oral argument is hereby granted. The request of appellant to allocate to amicus curiae Protection and Advocacy, Inc., 10 minutes of appellant's 30-minute allotted time for oral argument is granted."

S145571 B182104/B184127/B184549Second Appellate District, Div. 1
**SANTA MONICA, CITY OF v.
GONZALEZ (GUILLERMO)**

Order filed.

The application of appellant for permission to file consolidated answer to amicus briefs filed by Mark S. Adams and Bet Tzedek Legal Services is hereby granted.

S148645 B181286 Second Appellate District, Div. 1**CASTELLANOS (GEORGE
MARIO) ON H.C.**

Order filed.

The order filed on February 21, 2007, denying the petition for review is amended to reflect the Court of Appeal number and the title above.

F052361 Fifth Appellate District

**HERITAGE OF FRESNO v.
REDEVELOPMENT AGENCY
OF THE CITY OF FRESNO
(CITY OF FRESNO)**

The above-entitled matter, now pending in the Court of Appeal, Fifth Appellate District, is transferred to the Court of Appeal, Third Appellate District.

ADMIN. ORDER 2007-322**ORDER APPROVING THE
REPORT OF THE SUPREME COURT OF CALIFORNIA ADVISORY COMMITTEE ON
RULES FOR PUBLICATION OF COURT OF APPEAL OPINIONS AND ADOPTING THE
COMMITTEE'S RECOMMENDATIONS AMENDING RULE 8.1005**

The court hereby approves the report and recommendation of the Supreme Court of California Advisory Committee on Rules for Publication of Court of Appeal Opinions, and adopts the following amendments, effective April 1, 2007.

The full text of rule 8.1105 is set forth in the attachment hereto.

(SEE ORIGINAL ORDER FOR THE ATTACHMENT.)